

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE ALTA MESA RESOURCES, INC.
SECURITIES LITIGATION

Case No. 4:19-cv-00957

Judge George C. Hanks, Jr.

ORAL ARGUMENT REQUESTED

**DEFENDANTS' MOTION TO FILE UNDER SEAL
DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF THEIR
MOTIONS IN LIMINE, DECLARATION, AND
ACCOMPANYING EXHIBITS IN SUPPORT OF THE SAME**

Pursuant to Rule 6 of the Administrative Procedures for Electronic Filing in Civil and Criminal Cases, Section (C)(7) of the Court's Procedures, and the Parties' Stipulation and Protective Order (ECF Nos. 174, 190), Defendants Alta Mesa Resources, Inc., Riverstone Holdings LLC, Harlan H. Chappelle, Michael E. Ellis, William D. Gutermuth, James T. Hackett, Ronald J. Smith, Jeffrey H. Tepper, and Diana J. Walters (together, "Defendants") hereby request leave of Court to file under seal the unredacted versions of the following: 1) Defendants' Memorandum of Law in Support of Their Motions in Limine, 2) Declaration of Matthew J. Peters in Support of Defendants' Memorandum of Law, and accompanying Exhibits 3-5.

BACKGROUND

On June 1, 2021, the parties filed a Stipulation and Protective Order, which the Court approved on August 17, 2021 (the "Protective Order") (ECF Nos. 174, 190). The

Protective Order allows the parties to designate certain sensitive materials as “Confidential” or “Confidential – Attorney’s Eyes Only.” ECF No. 190 ¶¶ 4-9. If a party later files a document that it has designated “Confidential” or “Confidential – Attorney’s Eyes Only,” the party must file a motion to file under seal pursuant to the Court’s procedures the Protective Order. *Id.* ¶ 24.

On October 20, 2024, counsel for Defendants notified the parties who had designated as Confidential pursuant to the Protective Order documents that are exhibits to the Motions in Limine, about their intent to file their Motions in Limine and accompanying declaration and exhibits under seal and listed the specific documents to be filed under seal in the attached Appendix. The designating parties do not object to the Motion to Seal.

The declaration and accompanying exhibits to be filed under seal are listed in the attached Appendix.

Defendants’ Memorandum of Law in Support of Their Motions in Limine deadline in this matter is October 21, 2024.

ARGUMENT

Exhibits 3-5 are confidential and sensitive documents subject to the Protective Order. This Court maintains “supervisory power” over its own docket and should act to deny public access to documents “where court files might . . . become a vehicle for improper purposes.” *SEC v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)). Courts routinely seal the sensitive business and financial information of parties, recognizing that such information is subject to use for “improper purposes.” *See Udoewa v. Plus4 Credit Union*,

754 F. Supp. 2d 850, 884 (S.D. Tex. 2010) (granting a motion to seal where “[t]he excerpts from the [documents] at issue contain extensive financial information of a sort that is often kept confidential”) (citing *Cooper Tire & Rubber Co. v. Farese*, 2009 WL 514071, at *1 (N.D. Miss. Feb. 27, 2009) (sealing “sensitive financial documents”)).

CONCLUSION

Pursuant to Paragraph 24 of the Protective Order, the Protected Materials “must be filed under seal on CM/ECF.” Protective Order ¶ 24. Defendants therefore request that the Court grant this Motion to Seal and order the Protected Materials to remain sealed.

APPENDIX OF MATERIALS TO BE SEALED

| Exhibit | Description |
|----------------|---|
| N/A | <i>Defendants' Memorandum of Law in Support of Their Motions in Limine</i> |
| N/A | <i>Declaration of Matthew J. Peters in Support of Defendants' Memorandum of Law in Support of Their Motions in Limine</i> |
| 3 | Email Chain with Bo Dunne and Drew Piatkowski re: RE: AMR - KFM detail (ARMEnergy_00109234 - ARMEnergy_00109238) |
| 4 | Memorandum from Bayou City Energy to Investors re: Alta Mesa Resources (BCEM_0155280 - BCEM_0155288) |
| 5 | Exhibit PX 125, Email chain re: Re: KFM Script elements – starting thoughts (ARMEnergy_00053810 - ARMEnergy_00053811) |

Dated: October 21, 2024

Respectfully submitted,

/s/ J. Christian Word

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CERTIFICATE OF SERVICE

I certify that on October 21, 2024, a true and correct copy of the foregoing document was filed with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record. Additionally, the foregoing document was served to all counsel of record via secure file transfer.

/s/ J. Christian Word

J. Christian Word